

County of Loudoun
Department of Planning

#3

MEMORANDUM

DATE: April 14, 2010

TO: Loudoun County Board of Supervisors

FROM: Sophia Fisher, Project Manager
Land Use Review Division
Julie Pastor, Director

SUBJECT: April 21, 2010 Transportation and Land Use Committee Meeting:
CMPT 2008-0020, SPEX 2008-0061, & SPEX 2008-0062, White's Ford Park

CRITICAL ACTION DATE: Extended by applicant to May 4, 2010

RECOMMENDATIONS

Planning Commission:

At the Planning Commission Worksession on February 18, 2010, the Commission voted to approve CMPT 2008-0020 with the Findings dated February 16, 2010. The Commission also voted to forward SPEX 2008-0061 to the Board of Supervisors with a recommendation of approval subject to the Conditions of Approval dated February 18, 2010, and with the Findings dated February 16, 2010. Both votes were 8-1 (Robinson opposed). SPEX 2008-0062 was not heard or discussed by the Planning Commission as it is a Minor Special Exception and does not require Commission recommendation.

Staff:

Staff concurs with the Planning Commission's recommendation and recommends approval of SPEX 2008-0062, the minor SPEX for camping, as well.

BACKGROUND

The Board of Supervisors held a Public Hearing on this application on March 8, 2010. CMPT 2008-0020 is a Commission Permit to establish the park as a public use; SPEX 2008-0061 is a Special Exception to allow a boat launch and rental facilities in the floodplain; and SPEX 2008-0062 is a minor Special Exception for camping. Following the applicant's presentation, twenty seven (27) members of the public spoke on the application; twenty-six (26) were opposed to the park in its proposed state and one (1) supported the park. The general issues that were raised by the public include the lack of adequate transportation facilities accessing the site, the potential for noise and community disruption from the camping use, potential shoreline erosion caused by motorboats, status of historic preservation on-site, water safety, police patrol and staffing, general environmental degradation, and the need for wildlife protection. At the conclusion of the public hearing, the Board voted unanimously to forward the application to the Transportation and Land Use committee for further discussion. The Board also discussed the issue that the 60-day period granted to the Board of Supervisors to either affirm or overrule the

Planning Commission's decision on the Commission Permit. This issue was resolved by the applicant agreeing to extend that deadline (Attachment 3).

ISSUE SUMMARY

The table below summarizes the issues/questions raised by members of the public and the Board of Supervisors. It is anticipated that the applicant will be prepared to address the identified issues and questions at the April 21st committee meeting.

Topic Area	Issue Questions
Camping	<ul style="list-style-type: none">• Intensity of camping use• Public safety
Transportation	<ul style="list-style-type: none">• Camping impacts• Traffic study issues• Directing traffic to use Spinks Ferry Road• Failing LOS at the intersection of Limestone School Road and Route 15• Limestone School Road bridges• Gianna Terra subdivision traffic impacts and transportation improvements

DISCUSSION

Camping (SPEX 2008-0062)

Based on statistics from the applicant's two campgrounds in Fairfax County at the Bull Run and Pohick Bay parks, the average number of people per campsite is 3.7. If all 60 campsites/cabins were occupied at that level, there would be a total of 222 people at the park. And, if all the campsites/cabins were occupied at the same time that a group camping event was occurring at maximum capacity, there would be a total of 322 people onsite. As the applicant notes, group camping events are limited to 100 people, 25 times per year. The applicant also notes that maximum capacity is typically reached only 2 or 3 times a year, on weekends such as Memorial Day and the 4th of July. On other summer weekends, NVRPA's statistics show that the campsite is typically at 60% capacity, which for White's Ford Park would indicate approximately 133 overnight guests. During the winter months (here defined as October to March), the campground is typically at 3% capacity during the week and 10% capacity on the weekends.

The two campgrounds run by NVRPA in Fairfax County each have more than 140 family campsites and several group camping areas. Neither campground has restrictions on the length of stay or number of people permitted in NVRPA group camping areas as proposed at White's Ford Park. According to NVRPA, they have a staff member on site at all times when the campground is occupied, and has rarely experienced security issues at either facility, and the onsite staff has generally been able to resolve any issues that have come up. In rare cases, park staff has worked with local law enforcement. Users of the campground are provided with NVRPA's rules and regulations regarding acceptable and unacceptable forms of activity and behavior, and park staff has the authority to eject campers if they violate the rules. NVRPA's experience is that the campgrounds are primarily used by families and youth groups, and problems rarely occur.

Another question regarding campground security related to campfires. Campfires are restricted to steel rings, and visitors are not allowed to cut wood from trees or gather downed wood. Fires are required to be attended at all times, and extinguished prior to visitors leaving the campsite or retiring for the night. NVRPA also follows local burn guidelines, and alerts people when campfires are prohibited because of a drought or dry spell.

Transportation

Camping impacts

The traffic generated by the proposed camping use was included in the traffic study, and therefore was considered along with all the other traffic impacts when developing a mitigation strategy. When broken out, the individual/family camping use generates an average of 60 trips per weekend day, and the group camping activity generates an average of 25 trips per weekend day, out of the total projected 329 trips per weekend day for overall park visitation (which includes 75 trips for special events, which are limited to 5 per year). The Institute of Transportation Engineers (ITE) provides estimated trip generation for many uses. Some uses, "Campground/Regional Park" included, include a warning that the provided numbers are based on an extremely small sample size and should be used with caution. Given the uncertainty of the ITE numbers for campgrounds, staff requested that the applicant study traffic generated by their existing campgrounds and parks. During the review process, OTS found the applicant's trip generation data, which is based on trips generated by existing NVRPA campgrounds, to be reasonable. Staff also notes that the anticipated trip generation rates are for when the campground is at maximum capacity; as discussed in the preceding section, maximum capacity does not occur very often.

Traffic Study Issues

In the first referral, OTS staff raised an issue regarding the fact that the initial traffic counts were taken on a federal holiday (Veteran's Day). Working with the applicant's traffic consultant, staff reviewed both the initial counts and subsequent spot checks taken by the consultant at staff's request and is satisfied that the background volumes used in the traffic study are satisfactory. Additionally, even though the original traffic study is more than a year old, the traffic study has been updated throughout the course of the application review process, and therefore is considered to be acceptable.

Directing traffic to use Spinks Ferry Road

When the traffic study was initially scoped, the applicant assumed that approximately 75% of the trips generated by the proposed park would be coming from the south. From the south, the most direct route to the park site from Route 15 is via Limestone School Road (approximately 3.3 miles from Route 15 to the entrance to the park). If traffic were to continue north and access the park via Spinks Ferry Road, the distance to the park entrance from the intersection of Route 15 and Limestone School Road would be just over 6 miles, or almost double the distance of traveling Limestone School Road.

During the Planning Commission discussion, the idea of directing all park traffic via Spinks Ferry Road was proposed. The Commission ultimately rejected the idea because the argument was made that most people would use electronic mapping resources to navigate to the site, such as GPS units or online maps. These maps would direct people via Limestone School Road as it is the most direct route.

Staff cannot support directing all park traffic via Spinks Ferry Road because it was not included in the traffic study, and because it is not a direct route to the site. Staff does not have definitive information on what the impacts of directing the traffic on Spinks Ferry Road would be, nor what mitigation measures would be called for at the intersection of Spinks Ferry Road and Route 15. However, staff is fairly certain that left- and right-turn lanes would be warranted on Route 15 at Spinks Ferry Road. The applicant has agreed to provide a right-turn lane at either Limestone School Road or Spinks Ferry Road, but will not agree to provide a left-turn lane at Spinks Ferry Road. There is an existing left turn lane on Route 15 at Limestone School Road, but not at Spinks Ferry Road.

Failing LOS at the intersection of Limestone School Road and Route 15

Under existing conditions, there is a failing Level of Service (LOS) at the intersections of Limestone School Road and Route 15, and at Spinks Ferry Road and Route 15. When reviewing intersection LOS, priority is given to the main road, in this case Route 15. One way to mitigate the failing LOS on Limestone School and Spinks Ferry Roads would be to install a traffic signal. However, the traffic on the side streets does not meet the warrants required for traffic signal installation, and VDOT will not allow traffic signals that are not warranted. The trips generated by the proposed park and camping uses do not add enough trips to the total background traffic to warrant traffic signals.

Limestone School Road Bridges

There are two bridges on Limestone School Road between Route 15 and Hibler Road. The first bridge, located just west of Temple Hall Lane, is a one-lane structure. According to VDOT, this bridge consists of an 11-foot travelway and was constructed in 1917 and refurbished within the past 10-15 years. The applicant has agreed to post "Yield" signs at both approaches to this one-lane bridge subject to VDOT approval. The second bridge is located just northeast of Old Dory Lane. According to VDOT, this bridge was built in 1996 and consists of a 19.3-foot travelway. This bridge is wide enough for two vehicles to pass as VDOT considers any travelway of 18 feet and over to be two lanes.

Gianna Terra subdivision

In July 2007, a subdivision was approved on the property for 29 dwelling units and 1 rural economy lot. The project, known as the Gianna Terra subdivision, would have generated approximately 300 trips per day. As a condition of approval, the Gianna Terra application was required to improve Hibler Road along the property's frontage (approximately ½ mile) to a VDOT GS-4 standard, which is a two-lane paved road section. This would have resulted in a small section of paved road at the end of an unimproved gravel road. The approval for this subdivision is still valid, however it has been superseded by the Virginia Outdoors Foundation (VOF) easement that was recorded in December 2007.

NVRPA has agreed to improve Hibler Road from its intersection with Limestone School Road to the park entrance, a distance of approximately 1.25 miles to an 18-foot section with improved ditches and shoulders to facilitate drainage. These improvements to the unpaved roadway attempt to balance the traffic needs of the area with the policies of the Revised General Plan that protect the County's rural character.

OUTSTANDING ISSUES

There are no outstanding staff issues. The Conditions of Approval have been reviewed by the County Attorney's Office, and have been approved as to legal form. The applicant has agreed to all conditions.

SUGGESTED MOTIONS

1. I move that the Transportation and Land Use Committee forward CMPT 2008-0020, SPEX 2008-0061, and SPEX 2008-0062, White's Ford Park to the May 4, 2010 Board Business Meeting for action with a recommendation of approval, subject to the Conditions of Approval dated March 29, 2010 and the attached Findings for approval.

OR,

2. I move an alternate motion.

ATTACHMENTS

- | | |
|----------------------------------------|------|
| 1. Vicinity map | A-1 |
| 2. Findings and Conditions of Approval | A-3 |
| 3. CMPT timeline extension letter | A-13 |
| 4. Revised Memorandum of Understanding | A-15 |
| 5. Camping information from NVRPA | A-21 |

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VICINITY MAP



Directions: From Leesburg: Route 15 north to Limestone School Road. Turn right onto Limestone School Road and travel approximately two miles and turn right onto Hibler Road. Travel approximately 1.5 miles and the site will be on the north and south sides of Hibler Road.

ATTACHMENT 1

A-1

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FINDINGS (March 8, 2010)

Commission Permit

1. The proposal for Phased development as depicted and described on the Commission Permit Plat revised through February 19, 2010 is in substantial accordance with the policies of the Revised General Plan, which provides guidance to determine whether the general location, character, and extent are appropriate for a public facilities use.
2. The proposal is consistent with the policy guidance of the Revised General Plan (Rural Policy Area), which designate this area for rural economy uses such as regional parks and limited residential development at a density of 1 dwelling unit per 20 acres.
3. The proposal is consistent with the policy guidance of the Revised General Plan that recognizes "Open Space Assets" such as regional and county parks as important man-made open space assets of the Green Infrastructure that not only serve their passive and active recreational purposes, but also provide a link between communities and other Green Infrastructure elements.

Special Exception 2008-0061

1. The proposal for a regional park is consistent with the policy guidance of the Revised General Plan (Rural Policy Area), which supports the designated area as rural economy uses and limited residential development at a density of 1 dwelling unit per 20 acres.
2. The proposal for boat rental facility with incidental structures is consistent with the policy guidance of the Revised General Plan that recognizes "Open Space Assets" such as regional and county parks as important man-made open space assets of the Green Infrastructure that not only serve their passive and active recreational purposes, but also provide a link between communities and other Green Infrastructure elements.
3. The conditioned proposal is consistent with the policies of the Revised Countywide Transportation Plan.
4. The proposed use is consistent with the applicable requirements of the Revised 1993 Zoning Ordinance.
5. The Conditions of Approval, particularly those regarding transportation improvements and environmental sensitivity mitigate the impacts of the proposed use on surrounding properties and will help ensure compatibility with the other uses in the vicinity.

FINDINGS (Continued)

Special Exception 2008-0062

1. The proposal for a campground is consistent with the Rural Economic Policies of the Revised General Plan.
2. The conditioned proposal is consistent with the policies of the Revised Countywide Transportation Plan.
3. The proposed campground use is consistent with the applicable requirements of the Revised 1993 Zoning Ordinance.
4. The Conditions of Approval, particularly those regarding transportation improvements and environmental sensitivity mitigate the impacts of the proposed use on surrounding properties and will help ensure compatibility with the other uses in the vicinity.

SPEX 2008-0061: Boat launch ramp and rental facility in the floodplain
CONDITIONS OF APPROVAL
March 29, 2010

1. Special Exception Plat. The proposed Special Exception Uses, boat launch ramp, rental facility and incidental structures, shall be developed in substantial conformance with the Special Exception Plat ("White's Ford Park Special Exception Plat SPEX 2008-0061 SPEX 2008-0062"), Sheets 1, 4 and 5, prepared by Christopher Consultants, dated November 26, 2008, as revised through September 28, 2009, (the "Plat"), and the Revised 1993 Loudoun County Zoning Ordinance. Approval of this application for Tax Map #: /31/////////5/ (PIN# 077-36-5320) (the "Property") shall not relieve the Applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. Uses Permitted (SPEX 2008-0061). Approval of this Special Exception application grants approval for a boat launch ramp and boat rental facility with incidental structures in a regional park, as defined by the Revised 1993 Loudoun County Zoning Ordinance, within the Floodplain Overlay District (FOD) zoning district, on the subject property as depicted on the Plat.
 - a. Use of the boat launch ramp shall be restricted to non-motorized vessels.
 - b. Jet skis shall be prohibited.
 - c. The boat rental facility shall rent only non-motorized boats.
- 2A. Phased Development. The public park use shall be developed in two phases, Phase I and Phase II:
 - (i) Phase I shall include such uses as hiking and wildlife viewing, shore launching of canoes and kayaks from a sand or gravel launch area, and tenant occupancy of the existing house; and
 - (ii) Phase II shall include such uses as boat rental facilities in the floodplain (which could include the construction of a poured concrete boat ramp), picnic shelters, a 60-site campground with up to 10 cabins, a group camping area, horse trail riding, and special events (voluntarily limited to a maximum of 5 events per year).
3. Transportation.
 - a. Hibler Road Improvements. Subject to VDOT approval and prior to the development of any use included in Phase II, the Applicant shall improve Hibler Road from Limestone School Road to the main park entrance using VDOT's Rural Rustic Road Standards with the width of the road to be 18 feet, the surface gravel, and with all work to be completed within existing VDOT right of way and prescriptive easement offsite of the Property, and shall

improve the vertical sight distance on Hibler Road near the Limestone School Road intersection based on a 35 mph operating speed by either lowering the grade and/or increasing the road width in this area. Once the Hibler Road improvements described herein are bonded, the Applicant may begin construction on the Phase II uses, but shall not open said uses to the public until the Hibler Road improvements are constructed and open to traffic. Where the applicant owns property on both sides of Hibler Road it shall grant 50 feet of right-of-way centered on the existing centerline of the travelway along Hibler from the western property boundary to the main park entrance. Where the applicant owns property only on one side of the roadway it will grant 25 feet of right-of-way from said centerline. The Applicant shall provide an area adequate for vehicles, including recreational vehicles, to turn around on Park property at the main entrance to the Park. If any of the improvements described herein have been completed by others prior to Phase II, NVRPA will be relieved of those road improvement responsibilities. Notwithstanding the above, the Park may open to Phase I uses which allow birders, hikers, boaters (who launch from the shore), rental house tenant and general visitors prior to any work on Hibler Road.

- b. Right Turn Lane Northbound Route 15 and Turning Radius Improvements. Subject to VDOT approval and prior to the opening of the park, construct a northbound right turn lane from Route 15 onto Limestone School Road. If this turn lane has been constructed by others prior to Phase I opening, NVRPA shall be relieved of such construction obligation. If additional right of way is needed to construct the turn lane, and the Applicant is unable to acquire the necessary right-of-way or easements at fair market value, then the Applicant shall request the Board of Supervisors initiate condemnation proceedings to acquire the necessary land and/or easements. If the Board of Supervisors chooses not to initiate condemnation proceedings, the Applicant shall be relieved of the obligation to construct a northbound right turn lane from Route 15 to Limestone School Road. Notwithstanding the foregoing, if VDOT approves a roundabout at the intersection of Route 15 and Limestone School Road prior to the installation of the turn lane, NVRPA shall, in lieu of construction of the turn lane, contribute an amount of cash equal to the then-estimated cost to construct the turn lane (as verified by a third party cost estimate) to Loudoun County at the time VDOT or a third party commences construction of the roundabout, to be applied to the construction of said roundabout. In no event shall NVRPA be responsible for constructing the roundabout. Should the permitting or construction of the turn lane be delayed at the request of VDOT or Loudoun County in order to consider traffic alternatives, including but not limited to roundabouts, NVRPA shall be allowed to develop and open the park including the uses permitted by SPEX 2008-0061, subject to the conditions of paragraph 3a above, prior to the construction of said turn lane. Notwithstanding the foregoing, NVRPA shall diligently pursue construction and completion of the turn lane as soon as possible after VDOT permitting is issued and the County requests in writing

such construction to commence. Furthermore, in the event VDOT approves the construction of a roundabout, NVRPA shall be permitted to open Phase I of the park no sooner than 6 months following such written decision by VDOT, independent of whether the roundabout has been completed.

- c. Internal Travelways and Parking. The Applicant shall utilize a pervious surface, such as gravel, where possible for all non-ADA vehicular travelways and parking areas internal to the site. If a gravel surface is to be used, stormwater management techniques and best management practices shall be employed to reduce the peak rate of runoff and reduce the volume of pollutants created by proposed impervious surfaces. Proposed facilities may include infiltration swales, bioretention basins with underdrains, or other low impact development techniques, which will treat and contain the first inch of storm runoff from proposed impervious surfaces.
 - d. Boat Trailers. Motorized boats shall be prohibited from utilizing the boat launch ramp at White's Ford Park and users of the Park shall be prohibited from using trailers to bring boats to the Property. Notwithstanding the foregoing, NVRPA may trailer non-motorized boats to and from the Park.
 - e. One-lane Bridge. Subject to VDOT approval and prior to the opening of the park, the Applicant shall install cautionary signs (i.e. yield signs) proximate to the one-lane bridge on Limestone School Road.
 - f. Spinks Ferry Road. Subject to VDOT approval and prior to the opening of the park, the Applicant shall install signs directing park visitors to exit via Spinks Ferry Road.
5. Lighting. Lighting on the subject property shall be designed and constructed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment. Any lighting installed as part of the boat launch ramp or boat rental facility shall be adjacent to the use or attached to a related building and shall have fixtures that are full cutoff and fully shielded.
 6. Noise. General park operations (uses other than camping) shall be limited to daylight hours.
 7. Signage. The Applicant shall install signage in appropriate locations along the Property's boundary to alert patrons as to the limits of the Park, prior to first Site Plan approval.
 8. Jurisdictional Waters. To minimize impacts to jurisdictional waters, all trail stream crossings shall be constructed as raised wooden boardwalks and/or footbridges, except for equestrian and vehicular crossings, subject to approval by the Virginia Outdoors Foundation.

9. Fire & Rescue. The Applicant shall provide Fire & Rescue details regarding the internal roadway network at the time of site plan review.
10. Friends Group. The Applicant shall invite Park patrons and neighbors to join a Friends Group that will meet regularly (at least twice a year) to discuss general park operations.
11. Restroom Facilities. The Applicant shall install low flow toilets and waterless urinals in all constructed restrooms on-site. This condition shall not apply to the Colonel White House.
12. Trashcan. The Applicant shall install a trash receptacle proximate to the boat launch ramp.
13. Riparian Buffer. The Virginia Outdoors Foundation easement establishes a 100-foot riparian buffer along the Potomac. The Applicant shall apply those same limitations to an additional 100 feet of land to create a 200-foot riparian buffer, provided that trails, the boat launch ramp, access road, and temporary facilities are all permitted within the expanded buffer.
14. Energy Efficiency – As part of the submission for Zoning Permit, the Applicant shall provide a details sheet demonstrating that all possible appliances, lighting and thermostats have received an "Energy Star" label, as provided by the U.S. Department of Energy and U.S. Environmental Protection Agency's joint program referred to as the Energy Star program. This condition shall not apply to the Colonel White House.
15. Historic and Archaeological Resources. The Applicant shall maintain a sign or gate at the existing driveway entrance leading to the Colonel White House to discourage general park traffic from using that driveway.

NOTE: The Applicant has agreed to provide a one-time fire and rescue contribution to the County in the amount of \$0.10 per square foot of non-residential floor area construction for equal distribution between the primary servicing fire and rescue companies. This contribution shall be made at the time of issuance of the first zoning permit for the boat rental facility and incidental structure use. The contribution shall escalate annually on January 1 of each year following County approval of the Special Exception Applications, in accordance with the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), base year of 1988, as published by the Bureau of Labor Statistics, U.S. Department of Labor.

SPEX 2008-0062: Camping
CONDITIONS OF APPROVAL
March 29, 2010

1. Special Exception Plat. The proposed Special Exception Use, campground, shall be developed in substantial conformance with the Special Exception Plat ("White's Ford Park Special Exception Plat SPEX 2008-0061 SPEX 2008-0062"), Sheets 1, 3 and 5, prepared by Christopher Consultants, dated November 26, 2008, as revised through September 28, 2009, (the "Plat"), and the Revised 1993 Loudoun County Zoning Ordinance. Approval of this application for Tax Map #: /31/////////5/ (PIN# 077-36-5320) (the "Property") shall not relieve the Applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. Uses Permitted (SPEX 2008-0062). Approval of this Special Exception application grants approval for an individual/family campground with up to sixty (60) campsites, of which up to ten (10) may be cabins. In addition, up to twenty-five (25) group camping events each with an attendance of up to one hundred (100) people shall be permitted per calendar year.
 - a. Campsite rentals shall be limited to no more than 14 consecutive nights by the same user.
 - b. An employee of the Northern Virginia Regional Park Authority shall be on-site from dusk until dawn when the campground is occupied.
3. Transportation.
 - a. Hibler Road Improvements. Subject to VDOT approval and prior to the development of any use included in Phase II, the Applicant shall improve Hibler Road from Limestone School Road to the main park entrance using VDOT's Rural Rustic Road Standards with the width of the road to be 18 feet, the surface gravel, and with all work to be completed within existing VDOT right of way and prescriptive easement offsite of the Property, and shall improve the vertical sight distance on Hibler Road near the Limestone School Road intersection based on a 35 mph operating speed by either lowering the grade and/or increasing the road width in this area. Once the Hibler Road improvements described herein are bonded, the Applicant may begin construction on the Phase II uses, but shall not open said uses to the public until the Hibler Road improvements are constructed and open to traffic. Where the applicant owns property on both sides of Hibler Road it shall grant 50 feet of right-of-way centered on the existing centerline of the travelway along Hibler from the western property boundary to the main park entrance. Where the applicant owns property only on one side of the roadway it will grant 25 feet of right-of-way from said centerline. The Applicant shall provide

an area adequate for vehicles, including recreational vehicles, to turn around on Park property at the main entrance to the Park. If any of the improvements described herein have been completed by others prior to Phase II, NVRPA will be relieved of those road improvement responsibilities. Notwithstanding the above, the Park may open to Phase I uses which allow birders, hikers, boaters (who launch from the shore), rental house tenant and general visitors prior to any work on Hibler Road.

- b. Right Turn Lane Northbound Route 15 and Turning Radius Improvements. Subject to VDOT approval and prior to the opening of the park, construct a northbound right turn lane from Route 15 onto Limestone School Road. If this turn lane has been constructed by others prior to Phase I opening, NVRPA shall be relieved of such construction obligation. If additional right of way is needed to construct the turn lane, and the Applicant is unable to acquire the necessary right-of-way or easements at fair market value, then the Applicant shall request the Board of Supervisors initiate condemnation proceedings to acquire the necessary land and/or easements. If the Board of Supervisors chooses not to initiate condemnation proceedings, the Applicant shall be relieved of the obligation to construct a northbound right turn lane from Route 15 to Limestone School Road. Notwithstanding the foregoing, if VDOT approves a roundabout at the intersection of Route 15 and Limestone School Road prior to the installation of the turn lane, NVRPA shall, in lieu of construction of the turn lane, contribute an amount of cash equal to the then-estimated cost to construct the turn lane (as verified by a third party cost estimate) to Loudoun County at the time VDOT or a third party commences construction of the roundabout, to be applied to the construction of said roundabout. In no event shall NVRPA be responsible for constructing the roundabout. Should the permitting or construction of the turn lane be delayed at the request of VDOT or Loudoun County in order to consider traffic alternatives, including but not limited to roundabouts, NVRPA shall be allowed to develop and open the park including the uses permitted by SPEX 2008-0062, subject to the conditions of paragraph 3a above, prior to the construction of said turn lane. Notwithstanding the foregoing, NVRPA shall diligently pursue construction and completion of the turn lane as soon as possible after VDOT permitting is issued and the County requests in writing such construction to commence. Furthermore, in the event VDOT approves the construction of a roundabout, NVRPA shall be permitted to open Phase I of the park no sooner than 6 months following such written decision by VDOT, independent of whether the roundabout has been completed.
- c. Internal Travelways and Parking. The Applicant shall utilize a pervious surface, such as gravel, where possible for all non-ADA vehicular travelways and parking areas internal to the site. If a gravel surface is to be used, stormwater management techniques and best management practices shall be employed to reduce the peak rate of runoff and reduce the volume of pollutants created by proposed impervious surfaces. Proposed facilities may

include infiltration swales, bioretention basins with underdrains, or other low impact development techniques, which will treat and contain the first inch of storm runoff from proposed impervious surfaces.

- d. Larger Vehicles and Trailers. All Recreational Vehicles (RVs) and trailed campers shall be prohibited.
 - e. One-lane Bridge. Subject to VDOT approval and prior to the opening of the park, the Applicant shall install cautionary signs (i.e. yield signs) proximate to the one-lane bridge on Limestone School Road.
 - f. Spinks Ferry Road. Subject to VDOT approval and prior to the opening of the park, the Applicant shall install signs directing park visitors to exit via Spinks Ferry Road.
5. Lighting. Lighting on the subject property shall be designed and constructed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment. Any lighting installed as part of the campground shall be adjacent to the use or attached to a related building and shall have fixtures that are full cutoff and fully shielded.
 6. Noise. General park operations (uses other than camping) shall be limited to daylight hours.
 7. Signage. The Applicant shall install signage in appropriate locations along the Property's boundary to alert patrons as to the limits of the Park, prior to first Site Plan approval.
 8. Jurisdictional Waters. To minimize impacts to jurisdictional waters, all trail stream crossings shall be constructed as raised wooden boardwalks and/or footbridges, except for equestrian and vehicular crossings, subject to approval by the Virginia Outdoors Foundation.
 9. Fire & Rescue. The Applicant shall provide Fire & Rescue details regarding the internal roadway network at the time of site plan review.
 10. Friends Group. The Applicant shall invite Park patrons and neighbors to join a Friends Group that will meet regularly (at least twice a year) to discuss general park operations.
 11. Restroom Facilities. The Applicant shall install low flow toilets and waterless urinals in all constructed restrooms on-site. This condition shall not apply to the Colonel White House.
 12. Riparian Buffer. The Virginia Outdoors Foundation easement establishes a 100-foot riparian buffer along the Potomac. The Applicant shall apply those same

limitations to an additional 100 feet of land to create a 200-foot riparian buffer, provided that trails, the boat launch ramp, access road, and temporary facilities are all permitted within the expanded buffer.

13. Energy Efficiency – As part of the submission for Zoning Permit, the Applicant shall provide a details sheet demonstrating that all possible appliances, lighting and thermostats have received an "Energy Star" label, as provided by the U.S. Department of Energy and U.S. Environmental Protection Agency's joint program referred to as the Energy Star program. This condition shall not apply to the Colonel White House.
14. Historic and Archaeological Resources. The Applicant shall maintain a sign or gate at the existing driveway entrance leading to the Colonel White House to discourage general park traffic from using that driveway.

NOTE: The Applicant has agreed to provide a one-time fire and rescue contribution to the County in the amount of \$0.10 per square foot of non-residential floor area construction for equal distribution between the primary servicing fire and rescue companies. This contribution shall be made at the time of issuance of the first zoning permit for the campground. The contribution shall escalate annually on January 1 of each year following County approval of the Special Exception Applications, in accordance with the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), base year of 1988, as published by the Bureau of Labor Statistics, U.S. Department of Labor.



Molly M. Novotny
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VIA E-MAIL

March 23, 2010

Sophia Fisher
Planner, Land Use Review
Loudoun County Planning Department
1 Harrison Street, S.E. 3rd Floor
Leesburg VA 20177-7000

RE: Extension of the ratification of CMPT 2008-0020 for White's Ford Park

Dear Sophia:

This letter is to notify you and the Board of Supervisors (the "Board") of the Northern Virginia Regional Park Authority's ("NVRPA," the "Applicant") decision to extend the ratification of the above-referenced commission permit for a community, neighborhood, or regional park, passive recreational uses, until the Board's May 4, 2010, business meeting.

The Applicant is granting this extension beyond the Zoning Ordinance-imposed 60-day deadline to allow the Board to discuss the Applicant's related special exception applications (SPEX 2008-0061 and SPEX 2008-0062) at its April 21, 2010, Transportation/Land Use Committee meeting prior to ratifying the Commission Permit. Despite this extension, the Applicant reserves all rights it may have under Virginia Code or the Loudoun County Zoning Ordinance.

Sincerely,

Molly M. Novotny
Senior Land Use Planner

cc: The Honorable Scott York, Chairman Loudoun County Board of Supervisors
The Honorable Sally Kurtz, Catocin District Supervisor
Jack Roberts, Esquire, Loudoun County
Todd Hafner, Northern Virginia Regional Park Authority
Colleen Gillis Snow, Esquire, Cooley Godward Kronish LLP

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Molly M. Novotny
(703) 456-8105
mnovotny@cooley.com

VIA E-MAIL

April 8, 2010

Sophia Fisher
Planner, Land Use Review
Loudoun County Planning Department
1 Harrison Street, S.E. 3rd Floor
Leesburg VA 20177-7000

RE: White's Ford Park: Memorandum of Understanding

Dear Sophia:

As we discussed, enclosed is a revised Memorandum of Understanding (the "MOU") for the above-referenced application to reflect changes

This revised document corrects the speed limit (35 mph) on Hibler Road and removes the recital that compared the MOU to the special exception conditions and plat. Those two changes are a direct result of discussions with County staff. No additional changes were made.

We look forward to working with you, the Transportation/Land Use Committee and the full Board of Supervisors on finalizing these applications.

Sincerely,


Molly M. Novotny
Senior Land Use Planner

cc: Ron Brown, Esquire, Loudoun County
Todd Hafner, Northern Virginia Regional Park Authority
Colleen Gillis Snow, Esquire, Cooley Godward Kronish LLP

435864 v1/RE

MEMORANDUM OF UNDERSTANDING

THIS Memorandum of Understanding is made, effective the 30th day of March, 2010, by and between the Northern Virginia Regional Park Authority (the "Applicant" and "NVRPA") and the Board of Supervisors of the County of Loudoun, Virginia (the "County") regarding the development of the property identified as Loudoun County Tax Map 31, Parcel 5 (PIN# 077-36-5320) (the "Property") as a public park as illustrated and defined on the Commission Permit plat titled "White's Ford Park Commission Permit CMPT 2008-0020" dated September 17, 2009, revised through February 19, 2010 (the "Plat").

WHEREAS, NVRPA desires to establish and operate a public park upon the Property in accordance with the Loudoun County Revised 1993 Zoning Ordinance (the "Zoning Ordinance"; and

WHEREAS, the park use cannot be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Loudoun County Planning Commission as being substantially in accord with the County's adopted comprehensive plan; and

WHEREAS, NVRPA has submitted an application for a Commission Permit, CMPT 2008-0020, seeking such Commission approval, and by this Memorandum of Understanding seeks to provide further assurances to the Planning Commission and the County with regard to NVRPA's use and operation of the park in the event the said Commission Permit is approved; and

WHEREAS, the public park use shall be developed in two phases, Phase I and Phase II, as indicated on the Plat, with Phase I to include such uses as hiking and wildlife viewing, shore launching of canoes and kayaks from a sand or gravel launch area, and tenant occupancy of the existing house and Phase II to include such uses as boat rental facilities in the floodplain (which could include the construction of a poured concrete boat ramp), picnic shelters, a 60-site campground with up to 10 cabins, a group camping area, horse trail riding, and special events (voluntarily limited to a maximum of 5 events per year).

NOW, THEREFORE, NVRPA agrees that in the event a use as described in the AR-1 Agricultural Rural-1 District Use Table of the Zoning Ordinance as "community, neighborhood, or regional park, passive recreational uses" is established on the Property, such use shall be in accordance with Commission Permit CMPT 2008-0020 and the Plat, and NVRPA shall perform or cause the following to occur:

1. Prior to impacting any area to depths greater than those specified in the Phase I archeological study as containing a high level of artifacts, having archeological probability or being recommended for avoidance, initiate a Phase II study for the area being impacted.
2. Protect the Colonel White House, cow barn and drive-through corn crib by erecting a cattle fence around each structure and further protect the Colonel White House by securing all windows and openings.

3. Limit general park operations (i.e. uses other than camping) to daylight hours.
4. Comply with the no-build restrictions as recorded against the property in the Virginia Outdoors Foundation easements, as may be amended by the Virginia Outdoors Foundation from time to time.
5. Provide the County the preliminary soils report for the floodplain portion of the property at time of site plan for any uses in the floodplain.
6. Ensure that lighting on the subject Property be designed and constructed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment. All lighting installed shall be affixed to or adjacent to the related building and shall have fixtures that are full cutoff and fully shielded.
7. Obtain all applicable state and federal permits prior to disturbing any area identified as a jurisdictional water or wetland.
8. During development, ensure that the critical root zone of the existing oak tree identified on Sheet 5 of the White's Ford Park special exception plat for SPEX 2008-0061/ SPEX 2008-0062 is protected and not encroached upon by any grade changes, storage of equipment, materials, debris, nor subjected to fill or construction traffic, parking of vehicles, or disposal of liquids.
9. Systematically remove and/or treat invasive trees as needed. Where possible, the removal of invasive trees shall be replaced with native deciduous plantings.
10. Allow at least 100 acres of current farmland to return to natural grasslands, meadows or forest to provide a more primitive camping environment and improve wildlife habitat.
11. Establish and maintain an additional 100 feet of buffer area along the Potomac River in addition to the 100-foot riparian buffer established and required by the Virginia Outdoors Foundation easement thus creating a 200-foot riparian buffer, provided that pervious surface natural trails, the launch ramp, access road and temporary facilities are all permitted within the buffer area.
12. Special events at White's Ford Park shall be prohibited during the Temple Hall Maize season, and such events shall occur no more often than 5 times a year and in conformance with, and pursuant to a permit issued under, the applicable provisions of the Zoning Ordinance regulating permits for Special Events. Furthermore, Special events may occur only after Hibler Road has been improved as described below.
13. Neither construct nor maintain formal trails immediately adjacent to the Potomac River in the area below the mean high water line.
14. Black locust trees shall not be removed unless they are: (1) diseased or dying as determined in consultation with the County Urban Forester and a threat to the safety

of users of the park or any existing structure, or (2) located in the area of development (such as in the area of the boat ramp).

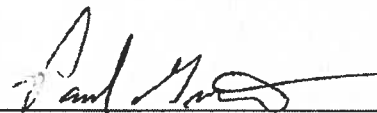
15. Subject to VDOT approval and prior to the development of any use included in Phase II, the Applicant shall improve Hibler Road from Limestone School Road to the main park entrance using VDOT's Rural Rustic Road Standards with the width of the road to be 18 feet, the surface gravel, and with all work to be completed within existing VDOT right of way and prescriptive easement offsite of the Property, and shall improve the vertical sight distance on Hibler Road near the Limestone School Road intersection based on a 35 mph operating speed by either lowering the grade and/or increasing the road width in this area. Once the Hibler Road improvements described herein are bonded, the Applicant may begin construction on the Phase II uses, but shall not open said uses to the public until the Hibler Road improvements are constructed and open to traffic. Where the applicant owns property on both sides of Hibler Road it shall grant 50 feet of right-of-way centered on the existing centerline of the travelway along Hibler from the western property boundary to the main park entrance. Where the applicant owns property only on one side of the roadway it will grant 25 feet of right-of-way from said centerline. The Applicant shall provide an area adequate for vehicles, including recreational vehicles, to turn around on Park property at the main entrance to the Park. If any of the improvements described herein have been completed by others prior to Phase II, NVRPA will be relieved of those road improvement responsibilities. Notwithstanding the above, the Park may open to Phase I uses which allow birders, hikers, boaters (who launch from the shore), rental house tenant and general visitors prior to any work on Hibler Road.
16. Subject to VDOT approval and prior to the opening of the park, construct a northbound right turn lane from Route 15 onto Limestone School Road. If this turn lane has been constructed by others prior to Phase I opening, NVRPA shall be relieved of such construction obligation. If additional right of way is needed to construct the turn lane, and the Applicant is unable to acquire the necessary right-of-way or easements at fair market value, then the Applicant shall request the Board of Supervisors initiate condemnation proceedings to acquire the necessary land and/or easements. If the Board of Supervisors chooses not to initiate condemnation proceedings, the Applicant shall be relieved of the obligation to construct a northbound right turn lane from Route 15 to Limestone School Road. Notwithstanding the foregoing, if VDOT approves a roundabout at the intersection of Route 15 and Limestone School Road prior to the installation of the turn lane, NVRPA shall, in lieu of construction of the turn lane, contribute an amount of cash equal to the then-estimated cost to construct the turn lane (as verified by a third party cost estimate) to Loudoun County at the time VDOT or third party commences construction of the roundabout, to be applied to the construction of said roundabout. In no event shall NVRPA be responsible for constructing the roundabout. Should the permitting or construction of the turn lane be delayed at the request of VDOT or Loudoun County in order to consider traffic alternatives, including but not limited to roundabouts, NVRPA shall be allowed to develop and open the park, subject to the conditions of paragraph 15 above, prior to the construction of said turn lane. Notwithstanding the foregoing, NVRPA shall diligently pursue construction and

completion of the turn lane as soon as possible after VDOT permitting is issued and the County requests in writing such construction to commence. Furthermore, in the event VDOT approves the construction of a roundabout, NVRPA shall be permitted to open Phase I of the park no sooner than 6 months following such written decision by VDOT, independent of whether the roundabout has been completed.

17. Subject to VDOT approval and prior to the opening of the park, install cautionary signs (i.e. yield signs) proximate to the one-lane bridge on Limestone School Road.
18. Subject to VDOT approval and prior to the opening of the park, install signs directing park visitors to exit via Spinks Ferry Road.

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY (NVRPA)

a body politic and corporate

By:  (SEAL)
Name: Paul A. Gilbert

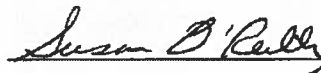
Title: Executive Director of NVRPA

STATE OF: VIRGINIA

COUNTY OF FAIRFAX, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that
PAUL A. GILBERT as Executive Director of the Northern Virginia Regional Park
Authority, a body politic and corporate, whose name is signed to the foregoing instrument, appeared
before me and personally acknowledged the same in my jurisdiction aforesaid.

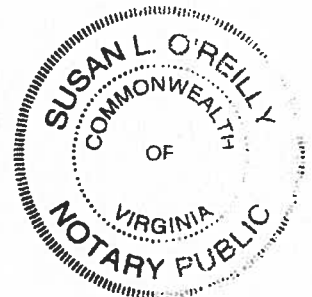
GIVEN under my hand and seal this 8th day of APRIL, 2010.


281726

Notary Public

My commission expires: OCTOBER 31, 2011

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**White's Ford Park
Campground Capacity
Received from NVRPA, March 30, 2010**

The Loudoun County Zoning Ordinance permits three levels of campgrounds based on the size of a parcel:

Size	# of campsites	Minimum Size
Small Scale	Up to 50	40 acres
Medium Scale	50 - 100	80 acres
Large Scale	100 - 150	160 acres
Level IV	More than 150	Per SPEX 6-1300

By the County's own standards, an un-subdivided White's Ford Park (295 acres) could accommodate up to 150 campsites with a minor special exception or more than that with a full special exception. NVRPA's proposal for just 60 campsites, which could include up to 10 camping cabins, falls well below the intensity the County recognizes as appropriate for a similarly sized parcel.

Based upon usership statistics at NVRPA's two Fairfax County campgrounds, the average number of persons using a campsite is 3.7. Therefore, if all 60 campsites/cabins are built and occupied on the same night, there would be 222 people at White's Ford Park (3.7×60). If the group camping area was also used at capacity that night, the park's overnight occupancy would increase to a maximum of 322 people. It's important to note that the group camping area is limited to 100 people, 25 times a year.

NVRPA's experience operating its two Fairfax County campgrounds reveals that peak attendance (100% occupancy) is only reached two or three weekends a year, such as Memorial Day and 4th of July.

Aside from those two or three weekends, NVRPA's statistics show summer weekends to be the most popular time for family campers with approximately 60 percent occupancy, or 133 overnight guests.

Camping largely subsides in the winter months (October through March) with just 3 percent occupancy during the week and 10 percent occupancy during the weekends.

**White's Ford Park
Campground Security
Received from NVRPA, March 30, 2010**

The Northern Virginia Regional Park Authority ("NVRPA," the "Park Authority"), established in 1959, owns more than 10,000 acres of land in Northern Virginia, of which more than 2,300 acres are in Loudoun County. The 10,000 acres are a combination of recreational facilities, wilderness areas, waterfront parks and campgrounds and rarely has NVRPA experienced any security-related issues at any of its facilities.

NVRPA's two Fairfax County campgrounds -- Bull Run and Pohick Bay -- each have more than 140 individual campsites, for a total of 280+ family campsites. In addition, both parks have several group camping areas, similar to the one group camping area proposed at White's Ford Park. These campgrounds have both been in operation for more than 30 years and are not similarly restricted as to the number of occupants in the group camping area, nor nights available for occupancy.

The Park Authority's success in the safe and orderly operation of its campgrounds is a result of (1) a dedicated and experienced park management team, (2) established park rules and regulations and strong commitment to their enforcement, and (3) an outstanding working relationship with local law enforcement.

At White's Ford Park, an NVRPA employee will be on site during all evening hours when there are any campers on the property. An NVRPA employee will make regular, patrols throughout the campground and the park, the frequency of which will increase with the park's attendance. In addition, nearby Temple Hall Farm is staffed during daytime hours and can assist as needed with any emergency or operational issues.

Contact phone numbers for Park Authority staff and local authorities will be given to all campers and will be posted throughout the park.

All campers will be made aware of NVRPA's rules and regulations concerning acceptable and unacceptable behavior. NVRPA staff has the authority to eject campers from the park in the event they have violated the park rules. The Park Authority's experience has been that the campground is used almost entirely by families and youth groups and problems rarely occur. Of those that have arisen, NVRPA staff has handled almost all of them independently. On rare occasions, staff has worked with local law enforcement to resolve an issue.